

Remarks:

Status of Claims

Claims 1 and 12 have been amended and new claims 22-33 have been added such that claims 1-33 are currently pending.

Remarks

In the Office Action dated January 23, 2003, the Examiner:

rejected claims 1, 2, 4, 6, 11, 12, 14, 16, and 21 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,690,387 (hereinafter referred to as "Dixon");

rejected claims 5, 7-10, 15, and 17-20 under 35 U.S.C. §103(a) as being unpatentable over Dixon in view of U.S. Patent No. 4,093,091 ("Gregg"); and

rejected claims 3 and 13 under 35 U.S.C. §103(a) as being unpatentable over Dixon.

With regard to the rejections of claims 1, 2, 4, 6, 11, 12, 14, 16, and 21 under 35 U.S.C. §102(b), the Applicant responds as follows. 35 U.S.C. §102(b) states in relevant part that "[a] person shall be entitled to a patent unless the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States..." For rejections based on anticipation, there is no question of obviousness or modification of the reference, rather a single reference must teach each, every, and all aspects of the claimed invention either explicitly or impliedly, and any feature not directly taught must be inherently present. *Verdegaal Bros. v. Union Oil Co. Of California*, 2 USPQ2d 1051,1053 (Fed. Cir. 1987); MPEP §§706.02 and 2131. "The identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913,1920 (Fed. Cir. 1989). Furthermore, a prior art device can perform all of the functions of a claimed apparatus and yet not anticipate the claimed apparatus if the claimed apparatus and the prior art device are structurally distinguishable. *In re Robertson*, 49 USPQ2d 1949,1951 (Fed. Cir. 1999); MPEP §2114. Thus, a rejection under 35 U.S.C. §102(b) is overcome by persuasively distinguishing the subject matter and

language of the claims from that which is disclosed by the cited reference. MPEP §706.02(b).

Independent claims 1 and 12 have been amended to clearly emphasize that the control mechanism includes a manual actuation mechanism so as to allow for selectively switching the valve without regard to the magnitude of the side load. It will be appreciated that the side load manifests as a pressure differential between the first and second ports of the motor. Support for this feature is found throughout the specification of the present application. See, e.g., pages 7-8, lines 14-2. Dixon discloses only actuation that both does not require control by the operator and that is dependent upon the side load reaching or exceeding a predetermined magnitude. Dixon, col. 2, lines 45-50. Thus, while the Examiner asserts that Dixon discloses a switch, as is claimed, for example, in dependent claim 5, Dixon's switch is automatically actuated based on the pressure differential, and is not manually actuatable without regard to the magnitude of the pressure differential. It will be appreciated that the present invention's control mechanism including a manual actuation mechanism is not the same structure under 35 U.S.C. §102 as Dixon's control mechanism including an automatic actuation mechanism. As the structure of the present invention has been successfully distinguished from that of Dixon, the Applicant respectfully asserts that claims 1 and 12 are now in allowable condition.

All other rejected claims depend from either claim 1 or claim 12 and are therefore also now in allowable condition.

As required, attached hereto and captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE" is a section wherein are set forth marked versions of the amended claims showing all changes made by the present amendment.

New claims 22-25 include the aforementioned distinguishing features but reference to the first and second media lines is eliminated in favor of reference directly to the first and second ports from which the media lines extend.

New claims 26-33 include both a side load protection system and a rotation float system. Support for the claimed combination is found in the specification of the present application wherein the rotational float system is described as being complimentary to the side load protection system. See, e.g., page 3, lines 9-13. New independent claim 30 is written in Jepson format to clearly distinguishes the side load protection system of the prior

art from the rotational float system of the present invention. The characterization of the prior art side load protection system is loosely based on Dixon, which expressly states that it "provides protection against damage due to excessive side loading by allowing the boom to be rotated by side loading of a pre-determined magnitude, which rotation relieves the side loading and is inherently allowed without requiring control by an operator. Col. 2, lines 45-50.

As it is believed that all claims currently pending are in allowable condition, the Applicant respectfully requests a corresponding Notice of Allowance.

In the event of any questions, the Examiner is urged to call the undersigned at 1-800-445-3460. Any additional fee which might be due in connection with this application should be applied against our Deposit Account No. 19-0522.

Respectfully Submitted,

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### **VERSION WITH MARKINGS TO SHOW CHANGES MADE**

Claims 1 and 12 have been amended as follows.

1. (Amended) A float system for use with a rotation motor that rotates a rotatably-supported body, the rotation motor having first and second ports for receiving and discharging pressurized media supplied from a source thereof, the float system comprising:

a valve interposed between a first media line connected to the first port of the rotation motor and a second media line connected to the second port of the rotation motor; and

a control mechanism including a manual actuation mechanism operatively coupled with the valve for selectively switching the valve between a closed position wherein the first and second media lines are substantially isolated from one another and an open position wherein the first and second media lines are in communication with one another to allow for reducing [equalization of] a pressure differential between the first and second ports of the rotation motor, wherein the manual actuation mechanism allows for selectively switching the valve without regard to the magnitude of the pressure differential.

12. (Amended) A rotation drive mechanism for driving a rotatably-supported body which is subject to undesirable side loads, the drive mechanism comprising:

- a rotation motor having first and second ports for receiving and discharging pressurized media supplied from a source thereof;

- a drive linkage coupled between the rotation motor and the rotatably-supported body;

- a first media line for delivering pressurized media to and discharging pressurized media from the first port of the rotation motor;

- a second media line for delivering pressurized media to and discharging pressurized media from the second port of the rotation motor; and

- a float system operable to place the rotation motor in a float condition to allow the rotatably-supported body to rotate toward a side load, the float system including -

  - a valve interposed between the first and second media lines, and

  - a control mechanism including a manual actuation mechanism operatively coupled with the valve for selectively switching the valve between a closed position wherein the first and second media lines are substantially isolated from one another and an open position wherein the first and second media lines are in communication with one another to allow for reducing [equalization of] a pressure differential between the first and second ports of the rotation motor, wherein the manual actuation mechanism allows for selectively switching the valve without regard to the magnitude of the pressure differential.